

ADVERSARY PROCEEDING COVER SHEET
(Instructions on Reverse)

ADVERSARY PROCEEDING NUMBER
(Court Use Only)

PLAINTIFFS

Russel P. Blust Sr.

DEFENDANTS

Wells Fargo, Specialized. Loan Services LLC, and US Bank National Associates as Trustee for Bear Stearns Asset Backed Securities Trust 2004 C-3

ATTORNEYS (Firm Name, Address, and Telephone No.)

Pro Se

ATTORNEYS (If Known)**PARTY (Check One Box Only)**

- ☒ Debtor ☐ U.S. Trustee/Bankruptcy Admin
☐ Creditor ☐ Other
☐ Trustee

PARTY (Check One Box Only)

- ☐ Debtor ☐ U.S. Trustee/Bankruptcy Admin
☒ Creditor ☐ Other
☐ Trustee

CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)

From the date I filed the bankruptcy until the present and even before the bankruptcy multiple credit violations and violations of the Bankruptcy Protections Act have been violated. Wells Fargo sent an inspector to the property who came in contact with my tenants during my bankruptcy. Due to his actions, the actions of Wells Fargo, and the other mortgage servicers they have made almost impossible to collect rent or even a fraction of the rent. Monthly statements are still being sent to a multi unit rental property which is not the mailing address on the loan application or the mortgage mailing address (It is the address the mortgage is on, but the mailing address on the mortgage is my home address so tenants couldn't read any mail), all statements have conflicting amounts none of which are accurate. I suffered a stroke in 2017 that was caused due to Afib which becomes more prominent when put under stress. I have tried to bring this to the attention of my attorney with no results so I am now filing this PRO SE. I am seeking rental loss, punitive damages, mental anguish, and whatever the court deems just and proper. They have violated 11 U.S.C §362 and multiple Bankruptcy Protection Violations.

NATURE OF SUIT

(Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)

FRBP 7001(1) – Recovery of Money/Property

- ☐ 11-Recovery of money/property - §542 turnover of property
☐ 12-Recovery of money/property - §547 preference
☐ 13-Recovery of money/property - §548 fraudulent transfer
☐ 14-Recovery of money/property - other

FRBP 7001(2) – Validity, Priority or Extent of Lien

- ☐ 21-Validity, priority or extent of lien or other interest in property

FRBP 7001(3) – Approval of Sale of Property

- ☐ 31-Approval of sale of property of estate and of a co-owner - §363(h)

FRBP 7001(4) – Objection/Revocation of Discharge

- ☐ 41-Objection / revocation of discharge - §727(c),(d),(e)

FRBP 7001(5) – Revocation of Confirmation

- ☐ 51-Revocation of confirmation

FRBP 7001(6) – Dischargeability

- ☐ 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims
☐ 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud
☐ 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny

(continued next column)

FRBP 7001(6) – Dischargeability (continued)

- ☐ 61-Dischargeability - §523(a)(5), domestic support
☒ 68-Dischargeability - §523(a)(6), willful and malicious injury
☐ 63-Dischargeability - §523(a)(8), student loan
☐ 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support)
☐ 65-Dischargeability - other

FRBP 7001(7) – Injunctive Relief

- ☐ 71-Injunctive relief – imposition of stay
☐ 72-Injunctive relief – other

FRBP 7001(8) Subordination of Claim or Interest

- ☐ 81-Subordination of claim or interest

FRBP 7001(9) Declaratory Judgment

- ☒ 91-Declaratory judgment

FRBP 7001(10) Determination of Removed Action

- ☐ 01-Determination of removed claim or cause

Other

- ☐ SS-SIPA Case – 15 U.S.C. §§78aaa *et. seq.*
☒ 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case)

☒ Check if this case involves a substantive issue of state law

☐ Check if this is asserted to be a class action under FRCP 23

☐ Check if a jury trial is demanded in complaint

Demand \$ 70,000 in lost rent, \$100,000 in collection violations,

Other Relief Sought

Lost wages, attorney fees, court cost, and whatever court deems proper and justified.

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR Russel P. Blust Sr.		BANKRUPTCY CASE NO. 15-BK-02826
DISTRICT IN WHICH CASE IS PENDING Middle District of Pennsylvania	DIVISION OFFICE Bankruptcy	NAME OF JUDGE Charles J. Dehart III
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF Russel P. Blust Sr	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING The Middle District of Pennsylvania	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE September 25, 2020		PRINT NAME OF ATTORNEY (OR PLAINTIFF) Russel P. Blust Sr

INSTRUCTIONS

The filing of a bankruptcy case creates an “estate” under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor’s discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 1040, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court’s Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 1040 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff’s attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

United States Bankruptcy Court

MIDDLE District Of PENNSYLVANIA

In re	<u>Russel P. Blust Sr</u>)	Case No.	<u>15-BK-02826</u>
	Debtor)		
)	Chapter	<u>13</u>
)		
	<u>Russel P. Blust Sr</u>)		
	Plaintiff)		
)		
	v.)	Adv. Proc. No.	_____
)		
	<u>Wells Fargo, Specialized Loan Services LLC., and U S Bank National Association as Trustee for Bear Stearns Asset Backed Securities Trust 2004-C3</u>)		
	Defendant)		

SUMMONS IN AN ADVERSARY PROCEEDING

YOU ARE SUMMONED and required to file a motion or answer to the complaint which is attached to this summons with the clerk of the bankruptcy court within 30 days after the date of issuance of this summons, except that the United States and its offices and agencies shall file a motion or answer to the complaint within 35 days.

Address of the clerk:
Middle District of Pennsylvania
8125 Adams Dr. Suite A
Hummelstown, Pa 17036

At the same time, you must also serve a copy of the motion or answer upon the plaintiff's attorney.

Name and Address of Plaintiff's Attorney:
Russel P. Blust Sr. -PRO-SE
701 Drexel Rd
Harrisburg, Pa 17109

If you make a motion, your time to answer is governed by Fed. R. Bankr. P. 7012.

IF YOU FAIL TO RESPOND TO THIS SUMMONS, YOUR FAILURE WILL BE DEEMED TO BE YOUR CONSENT TO ENTRY OF A JUDGMENT BY THE BANKRUPTCY COURT AND JUDGMENT BY DEFAULT MAY BE TAKEN AGAINST YOU FOR THE RELIEF DEMANDED IN THE COMPLAINT.

_____ (Clerk of the Bankruptcy Court)

Date: 09/25/2020

By: _____ (Deputy Clerk)

CERTIFICATE OF SERVICE

I, Russel P. Blust Sr. (name), certify that service of this summons and a copy of the complaint was made September 25, 2020 (date) by:

- ☐ Mail service: Regular, first class United States mail, postage fully pre-paid, addressed to:
- ☐ Personal Service: By leaving the process with the defendant or with an officer or agent of defendant at:
- ☐ Residence Service: By leaving the process with the following adult at:
- ☒ Certified Mail Service on an Insured Depository Institution: By sending the process by certified mail addressed to the following officer of the defendant at:
- | | |
|---|---|
| Wells Fargo Home Mortgage
PO BOX 10368
Des Moines, IA 50306 | Specialized Loan Services LLC.
8742 Lucent BLVD Suite 300
Highlands Ranch, CO 80129 |
|---|---|
- ☐ Publication: The defendant was served as follows: [Describe briefly]
- ☐ State Law: The defendant was served pursuant to the laws of the State of _____, as follows: [Describe briefly]

If service was made by personal service, by residence service, or pursuant to state law, I further certify that I am, and at all times during the service of process was, not less than 18 years of age and not a party to the matter concerning which service of process was made.

Under penalty of perjury, I declare that the foregoing is true and correct.

Date _____ Signature _____

Print Name: _____

Business Address: _____

From: pambml_automation@pamb.uscourts.gov on behalf of [PAMB](#)
To: [PAMBml_fax](#)
Subject: EDSS filing from Russel P. Blust Sr. for on Monday, September 28, 2020 - 20:33
Date: Monday, September 28, 2020 8:33:38 PM

Submitted on Monday, September 28, 2020 - 20:33

Submitted by user: Anonymous

Submitted values are:

Filer's Name: Russel P. Blust Sr.

Debtor's name (if different):

Filer's EMail Address: russel9080@gamil.com

Filer's Phone Number: 7175546529

Case number (if known): 15-BK-02826

==Documents==

Document 1:

http://www.pamb.uscourts.gov/system/files/webform/edss/form_b1040_0%20%281%29%281%29.pdf

Document description:

==More Documents==

Document 2:

http://www.pamb.uscourts.gov/system/files/webform/edss/form_b2500a_1_0.pdf

Document 2 description:

Document 3:

Document 3 description:

Document 4:

Document 4 description:

Document 5:

Document 5 description:

By entering my name in the box below, I affirm that I am intending to sign this form with my signature and consent to use this electronic form.: Russel P. Blust Sr.